

Agricultural Marketing Service, USDA

§ 201.65

[32 FR 12781, Sept. 6, 1967, as amended at 33 FR 10841, July 31, 1968; 35 FR 6108, Apr. 15, 1970; 59 FR 64516, Dec. 14, 1994]

§ 201.63 Germination.

The following tolerances are applicable to the percentage of germination and also to the sum of the germination plus the hard seed when 400 or more seeds are tested.

Mean (See § 201.59)	Tolerance
96 or over	5
90 or over but less than 96	6
80 or over but less than 90	7
70 or over but less than 80	8
60 or over but less than 70	9
Less than 60	10

When only 200 seeds of a component in a mixture are tested 2 percent shall be added to the above germination tolerances.

[15 FR 2399, Apr. 28, 1950, as amended at 20 FR 7940, Oct. 21, 1955]

§ 201.64 Pure live seed.

The tolerance for pure live seed shall be determined by applying the respective tolerances to the germination plus the hard seed and the pure seed.

[5 FR 35, Jan. 4, 1940. Redesignated at 20 FR 7940, Oct. 21, 1955]

§ 201.65 Noxious-weed seeds in interstate commerce.

Tolerances for rates of occurrence of noxious-weed seeds shall be recognized and shall be applied to the number of noxious-weed seeds found by analysis in the quantity of seed specified for noxious-weed seed determinations in § 201.46, except as provided in § 201.16(b). Rates per pound or ounce must be converted to the equivalent number of seeds found in § 201.46, Table 1, Minimum weight for noxious-weed seed examination (grams). Some tolerances are listed in the following table. The number found as represented by the label or test (Column X) will be considered within tolerance if not more than the corresponding numbers in Column Y are found by analysis in the administration of the Act. For numbers of seed greater than those in the table, a tolerance based on a degree of certainty of 5 percent ($P=0.05$) can be calculated by the formula, $Y=X+1.65\sqrt{X}+0.03$, where X is the number of seeds represented by the label or test and Y is the maximum number within tolerance.

Number represented by label or test (X)	Maximum number within tolerances (Y)	Number represented by label or test (X)	Maximum number within tolerances (Y)	Number represented by label or test (X)	Maximum number within tolerances (Y)
0	2	34	43	68	81
1	2	35	44	69	82
2	4	36	45	70	83
3	5	37	46	71	84
4	7	38	47	72	85
5	8	39	49	73	86
6	9	40	50	74	87
7	11	41	51	75	89
8	12	42	52	76	90
9	13	43	53	77	91
10	14	44	54	78	92
11	16	45	55	79	93
12	17	46	56	80	94
13	18	47	58	81	95
14	19	48	59	82	96
15	21	49	60	83	97
16	22	50	61	84	98
17	23	51	62	85	99
18	24	52	63	86	101
19	25	53	64	87	102
20	27	54	65	88	103
21	28	55	67	89	104
22	29	56	68	90	105
23	30	57	69	91	106
24	31	58	70	92	107
25	32	59	71	93	108
26	34	60	72	94	109
27	35	61	73	95	110

Number represented by label or test	Maximum number within tolerances	Number represented by label or test	Maximum number within tolerances	Number represented by label or test	Maximum number within tolerances
(X)	(Y)	(X)	(Y)	(X)	(Y)
28	36	62	74	96	111
29	37	63	75	97	112
30	38	64	76	98	114
31	39	65	78	99	115
32	41	66	79	100	116
33	42	67	80		

[76 FR 31794, June 2, 2011]

§ 201.66 [Reserved]

CERTIFIED SEED

§ 201.67 Seed certifying agency standards and procedures.

In order to qualify as a seed certifying agency for purposes of section 101(a)(25) of the Federal Seed Act (7 U.S.C. 1551(a)(25)) an agency must enforce standards and procedures, as conditions for its certification of seed, that meet or exceed the standards and procedures specified in § 201.68 through 201.78.

[38 FR 25662, Sept. 14, 1973]

§ 201.68 Eligibility requirements for certification of varieties.

The certifying agency shall require the originator, developer, or owner of the variety, or agent thereof, to make the following available when eligibility for certification is requested:

- (a) The name of the variety.
- (b) A statement concerning the variety's origin and the breeding procedure used in its development.
- (c) A detailed description of the morphological, physiological, and other characteristics of the plants and seed that distinguish it from other varieties.
- (d) Evidence supporting the identity of the variety, such as comparative yield data, insect and disease resistance, or other factors supporting the identity of the variety.
- (e) A statement delineating the geographic area or areas of adaptation of the variety.
- (f) A statement on the plans and procedures for the maintenance of seed classes, including the number of generations through which the variety may be multiplied.

(g) A description of the manner in which the variety is constituted when a particular cycle of reproduction or multiplication is specified.

(h) Any additional restrictions on the variety, specified by the breeder, with respect to geographic area of seed production, age of stand or other factors affecting genetic purity.

(i) A sample of seed representative of the variety as marketed.

[38 FR 25662, Sept. 14, 1973]

§ 201.69 Classes of certified seed.

(a) Classes of certified seed are as follows:

- (1) Breeder.
- (2) Foundation.
- (3) Registered.
- (4) Certified.

[38 FR 25662, Sept. 14, 1973]

§ 201.70 Limitations of generations for certified seed.

The number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner and shall not exceed two generations beyond the Foundation seed class with the following exceptions which may be made with the permission of the originating or sponsoring plant breeder, institution, or his designee:

- (a) Recertification of the Certified class may be permitted when no Foundation seed is being maintained.
- (b) The production of an additional generation of the Certified class may be permitted on a 1-year basis only, when an emergency is declared by any official seed certifying agency stating that the Foundation and Registered seed supplies are not adequate to plant